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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,766	08/06/2003	Vincent Muniere	Q76546	6869
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WASHINGTON, DC 20037				
EXAMINER				
AFSHAR, KAMRAN				
ART UNIT		PAPER NUMBER		
2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/634,766

Applicant(s)

MUNIERE, VINCENT

Examiner

KAMRAN AFSHAR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 8-10, 16, 17, 23-25 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 8-10, 16-17, 23-25, 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/05/2009 has been entered.

Response to Arguments

2. Applicant's arguments filed on 08/27/2008 have been fully considered but they are not persuasive.

Applicant's argument that the references fail to show certain features of applicant's invention i.e. EGPRS packet channel request message; and that the EGPRS packet channel request as disclosed in document 3GPP TS 04.60, which is cited at least in Landais is not used by a mobile station for the purpose/requirements of signalling data transfer.

In contrast to Applicant assertion, Examiner frankly content that Landais teaches everything about EGPRS packet channel request which is used by or for (i.e. mobile station , mobile network , etc.) as discussed below:

Examiner very kindly directs the Applicant to i.e. Landais teaches a mobile station and or a mobile network (See Landais e.g. MS and the network of Fig. 1) a method of allocating packet mode resources in a mobile radio system, the method comprising: a mobile station (See Landais e.g. MS communicating via the network as shown in Fig. 1) sending to the network , for signaling data transfer requirement (See Landais e.g. per definition: signaling, mobility management, Page 1, ¶ [0018], one-phase or two-phase access, Page 1, ¶ [0023], Landais e.g. differing requirements, mobile station, EGPRS, Page 2, ¶ [0029]),) data transfer (See Landais e.g. transfer of data , TBF, Page 1, ¶ [0023]) an

EGPRS (Enhanced General Packet Radio Service) packet channel request (See e.g. packet channel request message to network, Page 4, Lines 1-3 of ¶ [0081], EGPRS, Page 2, [0029], packet channel request message, Page 2, ¶ [0041]), including cause data specifying signaling data transfer requirements (See Landais e.g. per definition: signaling, mobility management, Page1, ¶ [0018], one-phase or two-phase access, Page 1, ¶ [0023], e.g. as defined: transfer of data, TBF, transmission direction, Page 1, ¶ [0020]). Further, Examiner very kindly directs the Applicant to Page 270, of Document 3GPP TS 04.60 where more detail EGPRS packet channel request as disclosed.

Applicant(s) are reminded that the Examiner is entitled to give the broadest reasonable interpretation to the language of the claim. The Examiner is not limited to Applicant's definition, which is not specifically set forth in the claims, *In re Tanaka et al*, 193 USPQ 139, (CCPA) 1977. Therefore, the previous rejection is maintained.

3. The indicated allowability of claims (i.e. 11, 26, and 37) is withdrawn in view of cancelled claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2, 8-10, 16-17, 23-25, 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Landais (U.S. Pub. No.: 2002/0080758 A1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With respect to claims 2, 16-17, Landais teaches a mobile station and or a mobile network (See Landais e.g. MS and the network of Fig. 1) a method of allocating packet mode resources in a mobile radio system, the method comprising: a mobile station (See Landais e.g. MS communicating via the network as shown in Fig. 1) sending to the network, for signaling data transfer requirement (See Landais e.g. per definition: signaling, mobility management, Page 1, ¶ [0018], one-phase or two-phase access, Page 1, ¶ [0023], Landais e.g. differing requirements, mobile station, EGPRS, Page 2, ¶ [0029]), data transfer (See Landais e.g. transfer of data, TBF, Page 1, ¶ [0023]) an EGPRS (Enhanced General Packet Radio Service) packet channel request (See e.g. packet channel request message to network, Page 4, Lines 1-3 of ¶ [0081], EGPRS, Page 2, [0029], packet channel request message, Page 2, ¶ [0041]), including cause data specifying signaling data transfer requirements (See Landais e.g. per definition: signaling, mobility management, Page 1, ¶ [0018], one-phase or two-phase access, Page 1, ¶ [0023], e.g. as defined: transfer of data, TBF, transmission direction, Page 1, ¶ [0020]).

Regarding claims, 8, 23, 34, Landais teaches the signaling data transfer requirements include requirements for transfer of signaling messages (See Landais e.g. per definition: signaling, mobility management, Page 1, ¶ [0018], one-phase or two-phase access, Page 1, ¶ [0023]) in accordance with a mobility management protocol (See Landais e.g. mobility management (MM), Page 1, ¶ [0018]).

Regarding claims 9, 24, 35, Landais teaches signaling messages (See Landais e.g. per definition: signaling, mobility management, Page 1, ¶ [0018], one-phase or two-phase access, Page 1, ¶ [0023]) include a cell update message (inherently) sent in the event of cell reselection during a current user data

transfer (See Landais e.g. cell reselection, cell reselection control mode, transfer, Page 2, ¶ [0033]-[0038]).

Regarding claims 10, 25, 36, Landais teaches signal message (inherently) include a paging response (See e.g. the mobile station sends the network a PACKET CHANNEL REQUEST message, as noted at 1, on a common uplink channel (PRACH). The network then responds with a PACKET UPLINK ASSIGNMENT message, as noted at 2, on a common downlink channel (PAGCH or paging), the latter message indicating directly to the mobile station the resources (PDCH) it has been assigned. The mobile station then uses those resources to transmit data (or RLC data blocks), as noted at 3, in the uplink direction, Page 4, ¶ [0077]) message in packet mode prior to a transfer of user data in the downlink direction (See Landais common downlink channel message (response), Page 1, Lines 1-10 of ¶ [0025]).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Vantinen (U.S. 6,813, 280 B2) teaches signaling, EGPRS type channel request, reason or cause for requirement, cell reselection (or cell up date), cell supporting, etc).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Eng, George can be reached @ (571) 272-7495. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kamran Afshar/

Primary Examiner, Art Unit 2617